

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Marquel Michael Cunningham

Date of Original Judgment: 1/19/2020

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 0419 3:17-cr-00134-015USM No: 33678-058Chiege Okwara

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:


☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment
(as reflected in the last judgment issued) of 180 months **is reduced to** 161 months.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 2/10/2020,
shall remain in effect.

IT IS SO ORDERED.

Signed: July 25, 2024


Frank D. Whitney
United States District Judge

Effective Date: _____

(if different from order date)

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

DEFENDANT: Marquel Michael CunninghamCASE NUMBER: 0419 3:17CR00134-015DISTRICT: Western District of North Carolina**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**Previous Total Offense Level: 30Amended Total Offense Level: 30Criminal History Category: VCriminal History Category: IVPrevious Guideline Range: 151 to 188 monthsAmended Guideline Range: 135 to 168 months**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)

Defendant is eligible for a sentence reduction under Part A of Amendment 821 to the United States Sentencing Guidelines because his original criminal history score of 10, criminal history category V, included two "Status Points." Under the Amendment, Defendant now scores one "Status Point" instead of two for a criminal history score of 9, criminal history category IV. Further, the Court finds an amended sentence of 161 months is sufficient but not greater than necessary to serve the purposes of sentencing under 18 U.S.C. § 3553(a).